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In re Application of
HIRANO, Satoshi, et al.
Application No.: 09/889,090
PCT No.: PCT/EP00/11250
Int. Filing Date: 10 November 2000
Priority Date: 12 November 1999
Attorney's Docket No.: PHJ 99.024
For: LIQUID CRYSTAL DISPLAY
APPARATUS

DECISION ON

PAPERS

UNDER 37 CFR 1.42

This is a decision on "Renewed Submission Under 37 CFR 1.42" filed on 30 January 2002.

BACKGROUND

On 10 November 2000, applicants filed international application PCT/EP00/11250, which claimed a priority date of 12 November 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 25 May 2001.

On 11 July 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration signed by the joint inventors, which included an indication that joint inventor Takeo Kamiya is deceased.

On 04 December 2001, the Office mailed Decision On Papers Under 37 CFR 1.42, refusing applicants' request for status under 37 CFR 1.42.

On 30 January 2002, applicants submitted a new declaration signed by Akira Kamiya for deceased inventor Kamiya Takeo.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the

patent." 37 CFR 1.42. Thus, the declaration must comply with both 37 CFR 1.42 and 37 CFR 1.497(a)-(b).

The declaration submitted on 30 January 2002 fails to comply with 37 CFR 1.497(a) as it fails to list each inventor and each inventor's required information in addition to that of the legal representative. The international application lists three inventors, but the new declaration lists only one.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. **THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.** Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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